

**REGULAR MEETING
of the
CITY OF RIALTO
CITY COUNCIL
City of Rialto, acting as Successor Agency to the
Redevelopment Agency
RIALTO HOUSING AUTHORITY**

**MINUTES
February 10, 2015**

A regular meeting of the City Council of the City of Rialto was held in the City Council Chambers located at 150 South Palm Avenue, Rialto, California 92376, on Tuesday, February 10, 2015.

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This meeting was called by the presiding officer of the Rialto City Council in accordance with the provisions of **Government Code §54956** of the State of California.

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CALL TO ORDER

Mayor Robertson called the meeting to order at 5:05 p.m.

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The roll was called and the following were present: Mayor Deborah Robertson, Mayor Pro Tem Palmer, Council Members Joe Baca Jr., Ed Scott and Shawn O'Connell. Also present were City Administrator Michael Story, City Attorney Fred Galante and City Clerk Barbara McGee.

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CLOSED SESSION

1 Conference with Legal Counsel - Existing Litigation: The City Council will discuss the following pending litigation (s) pursuant to Government Code Section 54956.9(d)(1):

- (a) Joseph Lozano v. City of Rialto
U.S. District Court, Central District of CA., Case No. ED CV 13-01636 GHK (SPx)
- (b) City of Rialto v. Chevron USA, Inc and related cross action
S.B. Superior Court Case No. CIVDS1406197

2 Conference with Legal Counsel - Anticipated Litigation: Initiation of litigation pursuant to Paragraph (4) of Subdivision (d) of Government Code Section 54956.9. Number of cases: One case.

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Motion by Council Member Palmer, second by Council Member Scott and carried by unanimous vote to go into Closed Session at 5:04 p.m. and returned at 5:51 p.m.

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CALL TO ORDER

Mayor Robertson called the meeting to order at 6:03 p.m.

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The roll was called and the following were present: Mayor Robertson, Mayor Pro Tem Palmer, Council Members Ed Scott, Joe Baca Jr. and Shawn O'Connell. Also present were City Administrator Michael Story, City Clerk Barbara McGee and City Attorney Fred Galante.

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Pledge of Allegiance and Invocation

Council Member Palmer led the pledge of allegiance and Pastor Vanessa Ortega, Iglesia Cristiana gave the Invocation.

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City Attorney's Report on Closed Session

City Attorney Galante stated that City Council met in Closed Session and discussed all the items listed under Closed Session on the Agenda.

1a. Joseph Lozano v. City of Rialto. City Council provided direction and no reportable action was taken.

1b. City of Rialto v. Chevron USA. City Council heard an update. No further reportable action was taken.

2. City Council was briefed on the exposure to litigation. No further reportable action was taken.

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PRESENTATIONS PROCLAMATIONS

1. Presentation – Jersey Mike's Subs – Reef Coleman

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ORAL COMMUNICATIONS

Curt Lewis, Representative for Congressman Pete Aguilar, introduced himself as the contact person for Rialto.

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Removing or Continuing Items on the Agenda

Mayor Robertson requested that TAB 2 be continued.

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City Attorney Galante stated that since it was noticed in the paper they need to open the public hearing to take public testimony. It's at City Council discretion to hear the staff report.

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**Removing or Continuing
Items on the Agenda**

Council Member O'Connell stated that he would like to comment on Consent Calendar Item D.7.

This item references a commissioner to attend a show for 4-5 days. This is a city related and beneficial. He would encourage staff that as the opportunity present itself for commissioners to travel to improve their knowledge. This is the first one he has seen in a couple of years.

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CONSENT CALENDAR

A. WAIVE FULL READING OF ORDINANCES

1. Waive reading in full, all ordinances considered at this meeting.

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B. APPROVAL OF WARRANT RESOLUTIONS

B.1 Resolution No. 28 (01/30/15)

B.2 Resolution No. 28A(01/27/15)

B.3 Resolution No. 29 (02/06/15)

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C. APPROVAL OF MINUTES

C.1 Regular City Council Meeting - January 27, 2015

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D. MISCELLANEOUS

D.1 Request Rialto Housing Board to Adopt RHA Resolution No. 01-15 Approving the Fiscal Year 2013/14 Housing Activity Report for the Rialto Housing Authority.

D.2 Request City Council to Adopt Resolution No. 6691 Approving the Calendar Year 2013 and 2014 Housing Element Annual Reports.

D.3 Request City Council to Ratify the Emergency Purchase of new Pool Heating System from KNORR Systems, Inc. for \$19,590.15.

D.4 Request City Council to Approve Travel and Training request for Council Member Ed Scott to attend the National League of Cities Congressional City Conference in Washington, DC, March 7-11, 2015.

D.5 Request City Council to Award Contract Services Agreement to J & K Auto Body and Towing a California corporation in the amount of \$ 30,000 for Fleet Collision and Auto Body Repair Services.

D.6 Request City Council to Approve a Professional Services Agreement with Daley Technology Systems for contract web design services in an amount not-to-exceed \$45,000.

D.7 Request City Council to Approve A Travel and Training Request for Utilities Commission Vice-Chair June D. Hayes to Attend the 2015 Water and Wastewater Equipment and Treatment and Transport Show from February 22, 2015 through February 26, 2015 in Indianapolis, Indiana.

CONSENT CALENDAR

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Motion by Mayor Pro Tem Baca Jr., second by Council Member Scott and carried by unanimous vote to approve the Consent Calendar.

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Council Member Palmer stated that he spoke with the City Attorney and there may not be a conflict because of the appearance of his property more than 500 feet away. He will recuse himself from this discussion.

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City Attorney Galante stated this further analyzed an although the property that Mr. Palmer owns is more than 500 feet away from the area that is subject to the annexation issues before City Council tonight. There is a potential or a reasonably foreseeable potential that property within 500 feet of property that he owns could affect the valuation if the Specific Plan is acted upon. Because of that analysis, Mr. Palmer has recused himself.

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Council Member Palmer left the dais at 6:21 p.m.

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TAB 1 – Continuation - Annexation No. 170 for Lytle Creek Ranch Specific Plan Neighborhoods 2 and 3

Gina Gibson, Planning Manager, Development Services Department, presented the staff report regarding initiation of the application process for Annexation No. 170 with the San Bernardino County Local Agency Formation Commission (LAFCO) to annex Lytle Creek Ranch Specific Plan Neighborhoods 2 and 3 from the Rialto sphere of influence in unincorporated San Bernardino County to the City of Rialto.

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Mayor Robertson declared the public hearing open.

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Oral Communications

Jane Hunt, 2305 W. Second Ave., Muscoy, expressed her opposition to the annexation.

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Lynn Boshart, 5529 Larch Ave., expressed her concerns regarding the annexation.

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Motion by Council Member O'Connell, second by Council Member Scott and carried by unanimous vote to close the public hearing.

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Council Member O'Connell stated that in the presentation, "requires construction of a club house rec center by the 500th certificate of occupancy." Is there a timeframe for that?

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**TAB 1 – Continuation - Annexation
No. 170 for Lytle Creek Ranch
Specific Plan Neighborhoods 2
and 3**

Robb Steel, Development Services Director stated that they don't have a specific timeframe. They haven't got all their permits to start construction yet. It's about 2 years into the project.

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Council Member O'Connell asked if they provide more information on the sports park.

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Gina Gibson, Planning Manager stated that there is a 35 acre sports park to be constructed in Neighborhood 3. Its listed in the development agreement as a requirement for the developer to construct that sports park.

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Robb Steel, Development Services Director stated in the development agreement there is a specific trigger based on certificates of occupancy granted. There is a stage for when they have to have the rough grading completed, when construction starts, when they complete construction. The have to start construction upon issuance of the 4203rd certificate of occupancy and complete 9 months after.

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Council Member Scott stated that he asked to have this item tables because 1, he heard rumors of what might potentially be built in those two neighborhoods. Additionally, he has concerns about neighborhoods 1 and 4 and what the county will allow to be built there and what the City of Rialto will have as input into those projects. He still doesn't have a good answer to that. He would hope that staff will keep their eyes on that and if projects happen to come along that are a detriment, traffic coming out of there into the City. He would hope that the city would voice its opinion. He met with Ms. Gibson and express his concerns. He met with Mr. Pharris to discuss the project. He is at the conclusion that it's in the best interest of the City to annex those two neighborhoods into the city so they can keep and maintain control on the projects. Each Council Member has their own opinion on what should be built.

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Mayor Pro Tem Baca Jr. stated he has concerns about the two areas. What was the discussion on the other pockets they were required to annex.

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Gina Gibson, Planning Manager stated no, there is a rule by LAFCO that says that if they were annex neighborhoods 2 and 3 they are not required to annex the 9 county islands that are outlined.

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**TAB 1 – Continuation - Annexation
No. 170 for Lytle Creek Ranch
Specific Plan Neighborhoods 2
and 3**

Mayor Pro Tem Baca Jr. stated why turn it over to the county and not work with the City. What is the benefit for Rialto and the logic behind it?

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Gina Gibson, Planning Manager stated that they are required by law to allow LAFCO to handle the annexation process. The City participates in that by dictating the terms of the plan for services. Also, what the land use designation and the development standards would be by pre-zoning. City Council has to make those determinations and spell out the parameters for LAFCO. LAFCO has a public hearing procedure that they go through.

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Mayor Pro Tem Baca Jr. stated so if the County does annex, this doesn't change the golf course piece?

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Gina Gibson, Planning Manager stated that that golf course piece would change to what the Lytle Creek Ranch Specific Plan shows. It would be combination of open space and housing or golf course, clubhouse and housing. If this project is annexed into the City.

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Mayor Pro Tem Baca Jr. asked what happens to all the paseos?

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Gina Gibson, Planning Manager stated that those are included.

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Mayor Pro Tem Baca Jr. stated that he has a lot of the same concerns of what goes in the those neighborhoods. He wants to make sure they keep a close eye on those. He is pleased they will continue with the park based on occupancy. One of the issues he has is they don't have enough soccer fields.

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Mayor Robertson stated that the recommendation is to direct staff to prepare and file the application along with the supplemental material to LAFCO. In the ongoing discussion it's somewhat confusing that the land is already in the county area? With regards to the ones they are requesting they do not annex. Are there portions in the City now?

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Gina Gibson, Planning Manager stated for neighborhoods 1 and 4 they are all located in the county. Neighborhoods 2 and 3 are bisected city and county.

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**TAB 1 – Continuation - Annexation
No. 170 for Lytle Creek Ranch
Specific Plan Neighborhoods 2
and 3**

Mayor Robertson stated the point she is trying to make is that it currently rest in the county now. Their ability to take 1 and 4 or have the owner annex to the City would mean Rialto will have the obligation to provide services. And what they concluded is that they will not be able to at this time adequately provide services to 1 and 4.

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Gina Gibson, Planning Manager stated that is correct.

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Mayor Robertson stated that the county already makes land use decisions based on their zoning.

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Gina Gibson, Planning Manager stated that is correct.

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Mayor Robertson stated that is what has been a concern for her. She is looking at 1 and 4 and realizing does not a direct connection to Rialto incorporated areas. 2 and 3 are more directed to Rialto's quality of life and the growth in the community. Those who are raising concerns would have nothing occur. For her it wouldn't be prudent for her to sit there and not try to have some influence and involvement in directing the future growth of development. And ensuring they keep some of the open space around the golf course which is already in the city. They have a natural right and need to protect that open space. The reality is they are speaking of things already in the county jurisdiction.

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Motion by Council Member O'Connell, second by Mayor Pro Tem Baca Jr. and carried by a 4-0 vote to approve Resolution No. 6687 to initiate the application process for Annexation No. 170 with the San Bernardino County Local Agency Formation Commission (LAFCO) to annex Lytle Creek Ranch Specific Plan Neighborhoods 2 and 3 from the Rialto sphere of influence in unincorporated San Bernardino County to the City of Rialto. Council Member Palmer was absent.

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Council Member Palmer returned at 6:52 p.m.

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Oral Communications
Consent Calendar D.4, D.6, D.7

David Phillips, 659 N. Teakwood Ave., expressed his concern regarding Council Member Scott's travel to Washington D.C.

He expressed his concern regarding the costs for the web design services.

He expressed his concern on sending Commissioner June Hayes to Indiana for Water and Wastewater Equipment and Treatment and Transport Show.

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Oral Communications

Consent Calendar D.4, D.6, D.7

Council Member Scott stated the trip to Washington DC is hardly a vacation. Its City Council policy that if one council member traveled to meetings there is a requirement that another council member goes. The Mayor is going to Washington DC and he asked to go as well. This trip not only involves the League of Cities but involves meetings with various congressional leaders. It's a good idea to see US Senator Dianne Feinstein and tell her what the community needs and what the issues are. The last time he went to Washington DC he travelled with former Police Chief Mark Kling and they secured a \$400,000 grant from the Dept. of Justice.

As far as the comments about Commissioner Hayes, he is not sure where he gets his information on the water deal being a failure. It may need some fine tuning and work that needs to be done. Commissioner Hayes is a volunteer in the community who works very hard. She commends her as being one of the community individuals who volunteers in the City. Each have their opinions on things have the right to express it. Commissioner Hayes is an asset to the community.

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Mayor Robertson stated that she mis-stepped when she overlooked the requests to speak. She now has a request from Ms. Hayes.

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Consent Calendar D.7

June Hayes, P.O. Box 2395, stated that she is going to Indiana to contribute in a positive way. She believes she works in the best interest of the citizens.

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Council Member O'Connell stated that this is a positive discussion going on. They had to spend an extra \$50,000 on a travel audit and from that they came out with a new travel policy. This now requires to vote on the city related travel request in public. Commissioner Hayes is required to present to colleagues on what she learned.

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**TAB 2 – West Colton Rail Terminal
- Conditional Development
Permits**

Gina Gibson presented the staff report regarding a project by West Colton Rail Terminal facility.

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Motion by Mayor Pro Tem Baca Jr., second by Council Member Scott and carried by unanimous vote to open the public hearing.

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ORAL COMMUNICATIONS

David Phillips, 659 N. Teakwood Ave., expressed that City Council should take this opportunity to use this project as leverage with Kinder Morgan who is against Measure U.

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**TAB 2 – West Colton Rail Terminal
- Conditional Development
Permits**

Mayor Robertson stated that she requested that this item be continued because she has concerns. She knows this has been before the City for a while. Her concern being an indirect nexus later on to Measure U.

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Gina Gibson, Planning Manager stated that the application was originally filed with the City in 2013.

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Mayor Robertson stated she had questioned the actual ownership of the pipe that was abandoned or no longer used they are now proposing would be reconnected. As of last week she was told that they had not received an affirmative from anyone as to who owns the pipe and who placed the pipe in the right-of-way. Has that changed?

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Gina Gibson, Planning Manager stated ownership of the pipe is indicated to be Kinder Morgan. The original placement of it and the approval of it to date, they have yet to receive that information.

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Mayor Robertson asked why is it so difficult to have some documentation from someone that allowed a private entity to put a pipeline into the public right-of-way? Was this normal in the 1960's?

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Gina Gibson, Planning Manager stated that the applicant did disclose that the pipeline came in the late 1960's early 1970's. The re-did the environmental documents to disclose that information but not to disclose the actual entitlement.

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Mayor Robertson stated that when you take ownership of a house or something, your deed has to be cleared. And you usually know in the transferring, what you are receiving. She is concerned that they still have this hanging. Yet, they are going to proceed and begin to give a conditional development permit and allow to go forward.

Where the mitigations identified by the applicant at the time they submitted it or was it something staff had gone determined in regards to pipeline safety.

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Gina Gibson, Planning Manager stated the original and initial study and mitigation measures contained in the documents staff deemed not adequate at the time they wrote a response letter to the applicant. They also hired a second party to review a revised document. Based on their expertise they were able to modify the document. What they see today is reflection of the standards imposed by the city.

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**TAB 2 – West Colton Rail Terminal
- Conditional Development
Permits**

Mayor Robertson asked have they to date tested this pipe?

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Gina Gibson, Planning Manager stated that it was discussed about testing it prior to approval. It was agreed by the applicant to test after in its conditional of approval. They don't have a record if it being tested recently but listed as a condition.

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Mayor Robertson stated with regard to the arrangements. They are talking about a five-year term franchise agreement however the revenue they would envision would only see an annual fee of \$2 per linear foot of pipeline at 1.5 % beginning with year 4?

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Gina Gibson, Planning Manager stated that it would start with an annual fee of \$2 per liner foot per pipeline in year 1. That would increase at a rate of 1.5% beginning in year 4 for the remaining of the lease.

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Mayor Robertson asked why was it negotiated in that manner? Why wouldn't be increased every year?

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Robb Steel, Development Services Director stated that he doesn't know why it's that way. It's not unusual for an applicant to request that there be a fixed fee for the early years of a project to let them get established. It is not a specific term he counter proposed.

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Council Member Scott stated in regards to the existing pipeline, he noticed part is in the City of Colton. Has there been any effort to check with Colton to see if they issued a permit for that pipeline?

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Gina Gibson, Planning Manager stated they have asked the applicant to provide that information. They noticed the City of Colton if the right-of-way for Sycamore isn't all the way developed in that section of town so it goes down into the street but no, to date they don't have any information from Colton.

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Council Member Scott stated does the Building Dept. or Fire Dept. have building records from the 1960's?

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**TAB 2 – West Colton Rail Terminal
- Conditional Development
Permits**

Gina Gibson, Planning Manager stated yes, they do have records from the 1960's in the Building Division. Her research didn't prove to show any information. As far as they can tell it was not entitled by the City of Rialto. They checked with the Fire Dept. only in regards to the initial study being circulated. She didn't ask that specific question.

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Council Member Scott stated that he worked at that terminal in the 1970's and 1980's. There are a lot more tanks today than there were then. Yet, no one seems to know when they got built or how they were permitted. Almost all those tanks on the City of Rialto side and pipelines should have required a fire inspection. He is not sure what this project has to do with the terminal tax or whether it's affected by this. He is concerned that they don't have an accurate inventory of what is out in the facility. He is wondering if they should look at previous aerals.

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Gina Gibson, Planning Manager stated that Kinder Morgan, since she's been with the City in 2003 has processed two precise plan of design applications with the City for some of the tanks. For the pipeline however its underground and they correct they don't have any records or provided to them.

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Council Member Scott stated this is why he is suggesting they check with the Fire Dept.

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Council Member O'Connell stated that he agrees with what the Mayor said. He does hear Ms. Gibson when she says that to try to get documentation has been not as forthright or quickly as they would hope. This has been ongoing. He agrees about the testing of the pipe. They were surprised when this pipe appeared out of nowhere. A year and a half ago they toured the facility. At the time he asked that Fire dept. be provided access for training to make sure they are up to speed.

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Fire Chief May Fratus stated that they have had access and some cooperation with them as far as making sure that their fire fighter apparatus are compatible with their automatic fire protection systems. It still has a long way to go before he can comfortably say they are fully compatible and prepared for an emergency.

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**TAB 2 – West Colton Rail Terminal
- Conditional Development
Permits**

Council Member O'Connell stated that at the time they found they have a couple trailers full of foam but didn't have the right connectors. If there was a significant event over there does the Fire Dept. feel comfortable with the partnership they developed with Kinder Morgan?

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Fire Chief Mat Fratus stated while they were able to make sure they had that compatibility of fittings, the amount of equipment they have on site and the amount of equipment the Fire Dept. has is not adequate to address a major event down there.

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Council Member O'Connell asked Police Chief Farrar, after the 9/11 events, did they ever develop conversations with Kinder Morgan reference to preventing access to certain areas with the physical design of the area.

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Police Chief Farrar stated that they have had an opportunity on a few occasions to go down there and tour the facility but look at some of the hard targets. At one point they were also supposed to supply them with a complete disaster response plan which to date they have not done. They have a initial response plan from the Police Dept. which handles the majority of the emergency response down there. But there are still a lot of issues that need to be worked out. He is completely not comfortable for a first response plan down there if there was a significant event that occurred today.

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Mayor Robertson stated she would like to continue this item, they are asking staff who is doing a diligent job of making sure they protect the community's interest and being mindful to be business friendly. The concerns they have, they continue to raise them over the 2 years period. Yet, it seems if the applicant wants to move forward with the project should want to be cooperative and bring forth the encroachment permit they have. The other concern she has is the agreement, while this is with Kinder Morgan as the applicant. The franchise agreement they would enter into is really not an agreement that would tie the agreement to the underlying property owner. It would only tie it to West Colton Rail Terminal LLC. She would be concerned to take action to move forward on this and then later to find out it comes back to bite them as it relates to Measure U. She would like the applicant to at least address some of the concerns.

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**TAB 2 – West Colton Rail Terminal
- Conditional Development Permits**

Kevin LeBorne, Business Development Manager for West Colton Rail Terminal, 3020 Old Ranch Parkway, Ste. 300, Seal Beach, CA, thanked Gina and her staff for their assistance the past 2 years. They create revenue for the City through this project. Revenue to provide the necessary services to the citizens. There is a guaranteed \$50,000 a year, take or pay commitment through the franchise agreement. With the expected base business case they anticipate those revenue will exceed \$100,000 a year. The facility they operate, West Colton Rail Terminal also generates 11 permanent family wage jobs. The project will take trucks off the roads, reducing diesel admissions and improving traffic. That equates to over 600 truck trips per month off of city streets. They create a safer facility through this project, pipelines have been proven to be safer and more efficient than other modes of transportation and it's good for the environment. This project will allow industry to meet the Federal renewable fuel standards using ephenol which also helps to decrease their dependence on foreign oil with cleaner burning renewables. West Colton Rail Terminal has been a tenant in the City operating since 2009. They have an excellent safety record. They have not had one reportable spill and in fact they operate 14 facilities throughout North America that are much larger in size and complexity to the West Colton Rail Terminal. In all of those facilities in the past 10 years they have handled over 6.5 billion gallons of liquids without a reportable spill. They have been recognized by the National Safety Council for superior safety for nine consecutive years. They take their safety very seriously.

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John Banyan, 1100 Town and Country Road, Orange, CA, the pipeline was installed by Cal-Nev Pipeline Co. about 1972. Cal-Nev Pipeline Co. was purchased by G.A. Tex Terminal Corp. in the 1980's it was repurchased by Kinder Morgan in 2001. They searched through their records and cannot find any records on the crossing of Sycamore or Slover. Whether there was an encroachment permit applied for at that time he cannot tell them. The line was taken out of service in 2002, it was previously used to transport jet fuel from Colton South to Colton North. The line was purged of all the product, filled with nitrogen and has been under protection since that time. Before the line is put into service they will pressure test it. The agency that will oversee it is the California State Fire Marshal.

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Mayor Robertson thanked him for the updated information.

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Council Member O'Connell stated that about 2 years ago he was on a tour with the Fire Chief and Police Chief and other council members. He specifically asked about access for emergency response plan. Since then they haven't got a great response. He hears that the safety records are above par which he appreciates.

**TAB 2 – West Colton Rail Terminal
- Conditional Development Permits**

Council Member O'Connell stated maybe because he was a cop, he's a worst case scenario type planner. If something were to happen, he doesn't feel comfortable that police and fire can answer the question that they feel comfortable. Until they feel comfortable he is not inclined to be approving anything that might or might not add additional risk. Again, publically he is asking for them to provide access to both the police and fire chiefs so they feel comfortable with the emergency response plan.

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Mr. John Banyan stated that he works in the Business Development Group but will take it back to the Operations group to see that it happens.

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Mayor Robertson stated that she would asked that as a condition of moving on this they have testing of the pipes be done prior to them acting on moving forward. Also, she would ask Counsel because a question was raised by a citizen, does he see any potential conflicts or concerns as it would relate to moving forward on this agreement recognizing that there is a nexus in her mind to the action they just took on Measure U and the Terminal. She also understands that this franchise agreement is not with Kinder Morgan who happens to be the underline property owner but with the tenant. She would like in writing counsel's opinion that clarifies and why should they act differently than what she would have expected as it relates to the franchise agreements. Kinder Morgan is part owner and part of the application but they are not going to be part of the franchise agreement.

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City Attorney Galante stated that he would be happy to do that.

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Mr. Kevin LeBorne stated that the franchise agreement, the reason there is only one counterparty with the City is that West Colton Rail Terminal is going to own the entire pipeline segment, all the way into the custody transfer meter at Kinder Morgan South. All of the city crossings will covered with one pipeline owner, one franchise agreement.

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Mayor Robertson stated okay maybe that needs to be noted. She is asking counsel to give them a legal opinion before they move forward. She'd rather have that in writing so they understand that clearly.

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**TAB 2 – West Colton Rail Terminal
- Conditional Development Permits**

Mr. Kevin LeBorne stated regarding the hydro testing. They went through a very precise sequence as to when they hydro test in the project development. They could go out and do a hydro test now but it will only be on that segment of the line that has been out of service since 2002. The proper way to do the hydro test is to get the entire system constructed, connected, flanged up with all the pressure relief valves on the system and test the entire system in total so it replicates the flow of the product through the system.

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Mayor Robertson stated her layman mindset says there are ways to accomplish what she envisions.

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Council Member Scott stated that it was flushed with nitrogen? Or pressurized with nitrogen?

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Mr. Kevin LeBorne stated pressurized with nitrogen.

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Council Member Scott stated that there has to be some type of gauge on it that shows it's currently pressurized right?

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Mr. Kevin LeBorne stated that he hasn't been out there to look but would assume there is.

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Council Member Scott stated normally they would have a gauge on there to show that it's still under pressure. He would assume that if the Fire Dept. went out there and observed it and show what it was originally pressurized it to and if that was a sufficient test. Generally, when they pressurize a line like that if it remains pressurized there are no leaks in it.

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Mr. Josh with Kinley Construction, 7301 E. Commercial Blvd., Arlington TX stated that he knows typical procedure when they have to drain something, clean it, charge it with nitrogen, put the test on it and plug it off so nobody can knock the gauge off.

Council Member Scott stated but they can re-gauge it and repressurize it?

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Mr. Josh with Kinley Construction stated yes as long as the fittings are there. They want to tie in the new pipeline to the existing pipeline all at once and then hydro test the whole thing.

**TAB 2 – West Colton Rail Terminal
- Conditional Development
Permits**

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Council Member Scott stated that he understands but City Council's concern is that the pipeline has been sitting out there for a number of years and they have the fear that there may be some leakage or a hole or corrosion on the lines. He thinks when they work out all the logistics of this if maybe they can work with the Fire Dept. or State Fire Marshal to show that pipe is in good condition and it is pressurized. He thinks that will satisfy the City Council's concerns.

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Motion by Mayor Pro Tem Baca Jr., second by Council Member Scott and carried by unanimous vote to continue this item until the March 10th Council Meeting.

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**TAB 3 – Council Appointments to
Internal Committees**

City Clerk Barbara McGee presented the staff report regarding appointments of Council Members to internal committees.

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Mayor Robertson made her recommended appointments:

Water/Wastewater Service Agreement Oversight Committee

Deborah Robertson and Ed Scott

Economic Development Committee

Deborah Robertson and Ed Scott

CDBG AdHoc Committee

Deborah Robertson and Joe Baca Jr.

Design Review Committee

Deborah Robertson and Shawn O'Connell

Budget and Audit Committee

Deborah Robertson and Shawn O'Connell

Veterans and Seniors Committee

Ed Scott and Ed Palmer

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Council Member O'Connell stated referencing the external committees, apparently it was passed. He asked to have the opportunity to look at his scheduling. As he informed the Mayor earlier today the only one he will be able to attend is the SCAG committees. So if she will make arrangements to have him replaced on the others. He noticed that former Mayor Pro Tem Palmer use to be on Omnitrans and at the last meeting the Mayor said she will have the opportunity to speak with him on it about possibly changing it because he has been on it seven years and was the next leader of that committee and would be a benefit to the City.

TAB 3 – Council Appointments to Internal Committees

Council Member O'Connell stated maybe it's a different style of leadership he is use to, he does notice that the majority of the committees are run by the Mayor. He would have appreciated that fact that in the past they were asked what their interest was. This is a little disappointing for him. They have done a major change in the last 2 years. A balanced budget, business friendly and other things he is proud of. He guarantees that he will still be involved in this even though he was taken off certain committees. He will ask that staff provide him a hard copy of the EDC specifically and have someone available to go over it as need be so he can make an informed decision. Finally, the CDBG Ad Hoc Committee, 2 people get to decide where that million dollars go. There is a select group that goes and applies. If he is a City Council Member, he get a packet that goes directly to him and only him and get to deliver it whoever he wants and the funding goes to that particular group. He would have loved, and as they promised the people with the UUT and tank farm tax that they would be much more open. He has asked and he is asking now that instead of two people deciding where that million dollars go. That they open it up to a forum with the five of them sit there while publically broadcast and have people come up asking for these grants. Then they can make sure the money goes where it's appropriate and not for special projects, not for particular groups of people. It's for what is beneficial for the citizens. He will still be voice up there and speak out when he feels it's necessary. Someone said there is a power shift and this doesn't mean they can't do what is right. He is asking that the CDBG Ad Hoc Committee be brought into a forum.

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Council Member Palmer stated that there are 13 external committees that council members can sit on. The appointments are a primary and an alternate. Of the 13 the Mayor appointed herself to being the primary of 10 out of 13 committees. Of the five internal committees the Mayor appointed herself as primary to four of those committees. So out of 18 committees she is the lead on 15 of those. He did get one external committee CONFIRE which he has been on for six years and has worked closely with Chief Fratus. He was on Omnitrans but was taken off that. He was on CDBG but was taken off that. He was taken off DRC. Tonight he got the veterans committee. Thank God he go that since he is only veteran on City Council. He is just a little concerned because he thought they were a team up there. But the team has a lot of one-sided efforts. Too him it's not a team effort anymore. There are several people doing all the work and there are a lot exclusions on these committees. The Mayor indicated that she would talk to the City Council about what they wanted to be on. He has not had a call from the Mayor as to what he wanted to be on or not be on.

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Mayor Robertson stated that there was a motion and a second made.

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TAB 3 – Council Appointments to Internal Committees

Council Member O'Connell stated that he would like to make an amendment to the motion, to consider having the CDBG Committee formed into a public forum so the five of them sitting there and review it and have the public listen in to see where they are spending the million dollars.

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Council Member Palmer seconded the amended motion.

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City Attorney Galante stated that there is no discussion on the agenda item about how to create that committee so that the presumably issue would come back to City Council. Is that the suggestion to set up the committee that way?

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Council Member O'Connell stated yes.

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City Attorney Galante stated so it's a motion for it to come back for consideration of structuring the committee in a different format. He did ask for background documents on how these committees were set up and other than some mention in minutes there is no formal procedure or resolution that describes the establishment of these committees. He understands the past practice of appointments are done exactly this way. It's appropriate for a Council Member to ask for a committee considered at a future meeting to be restructured.

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Council Member O'Connell stated to clarify he would pull the CDBG Committee appointment separate. He would ask that it be brought back in a different forum, in reference to a five seated public forum so they can discuss as occurred in the past.

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Mayor Robertson requested a point of clarification to the motions made.

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Council Member Scott asked for a point of order. There is a motion and a second on the floor. The first motion should be voted on.

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City Attorney Galante stated actually the subsequent motion and the second takes priority. But that subsequent motion only addresses a portion of the issue.

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TAB 3 – Council Appointments to Internal Committees

Mayor Robertson stated that she is asking for clarification because she would assume that the motion and the amendment is reference to the action before them. The action before them is not to create a committee but for the appointments to the existing committees. They are not addressing a restructuring, it is affirming the Mayor's appointments by a simple majority of the City Council.

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City Attorney Galante stated that is right, which is why he suggested that having that change of the structure of the committee at this meeting would not be the right time. If there is a request to restructure it, then it would come back at a future time. He thinks that is the request but the request only addressed a portion of these discussions. There could be a decision on that.

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Mayor Robertson stated that they had a motion and second to deal with the business of TAB 3. Now, if any of them want to bring a subsequent request to bring an action forward, she believes it has always been the pleasure of the City Council that any member can make an agenda item.

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City Attorney Galante stated that is correct so, because it is a little unusual. Generally, if it was subsequent motion that addressed the entirety of the underline motion that subsequent motion takes priority. But because there are certain things that are not addressed in the subsequent motion, they can hold them separately. There is a request to make the appointments and then the subsequent issue is to bring back one of the committees. In that subsequent motion he didn't hear a suggested change to the designations of the members that sit on the committee. So because of that, they could take it in the original order but there is also the request to have a future Council discussion. The appointments remain in the entirety of the action.

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Motion by Council Member O'Connell, second by Council Member Palmer to make an amendment motion to bring back for discussion one of the committees for a reconstruction of the formation of the CDBG committee. Motion failed by a 2-3 vote.

The vote was: AYES: Council Member O'Connell and Council Member Palmer. NOES: Mayor Robertson, Mayor Pro Tem Baca Jr., Council Member Scott. ABSTAIN: none. ABSENT: none.

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TAB 3 – Council Appointments to Internal Committees

Motion by Mayor Pro Tem Baca Jr., second by Council Member Scott and carried by a 3-2 vote to approve to confirm appointments made by Mayor Robertson to internal committees.

The vote was AYES: Mayor Robertson, Mayor Pro Tem Baca Jr., Council Member Scott. NOES: Council Member O'Connell and Council Member Palmer. ABSTAIN: none. ABSENT: none.

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TAB 4 – Turn-Key Data Center Installation for IT Network Infrastructure Upgrade

William Jernigan, Purchasing Manager and the Project Manager presented the staff report regarding a Contract with Agility Integration Corp. for the Turn-Key Data Center Installation to Include the IT Network Infrastructure Upgrade.

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City Attorney Galante stated that the staff report already says that the agreement will be in a form approved by the City Attorney. He is happy to work on the draft revisions. Essentially the main comment he had was that the system that will be installed is integrated with the current system. That the contractor warrants that. There were other comments but they can provide that separately.

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Council Member O'Connell asked when did the revised TAB item become available? Why are they just getting it while they are sitting at the dais?

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George Harris, Administrative and Community Services Director stated that this item was held up in the review process late last week. There was some changes made by the City Attorney recommended late because he received it late through the queue. So he's including the recommendations today.

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Council Member O'Connell stated that he made a statement before that unless there is exigent circumstances receiving a revised document and expecting him to go through it and compare it to the other document. He is not inclined to do so but he is going to recommend that they pull the item until next meeting.

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City Attorney Galante stated his only comment is that he did receive the actual attachments after the posting so he didn't have a chance to review them. When he reviewed the contract, he simply had some suggested changes. That is the only change he knows of is the wording on the staff report to "The agreement will be in a form approved by the City Attorney."

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TAB 4 – Turn-Key Data Center Installation for IT Network Infrastructure Upgrade

Council Member O'Connell stated if that was the only change then he withdraw his request.

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Motion by Mayor Pro Tem Baca Jr., second by Council Member Scott and carried by unanimous vote to Approve a Contract with Agility Integration Corp. for the Turn-Key Data Center Installation to Include the IT Network Infrastructure Upgrade in the Amount of \$54,000.

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TAB 5 - CalGRIP Program Grant

Lt. Dean Hardin presented the staff report regarding the California Gang Reduction, Intervention and Prevention (CalGRIP) Program Grant Award.

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Mayor Pro Tem Baca Jr. stated that this is a great program. He thinks it's great that they will target 4th-8th graders a key age where kids get recruited by gangs. They will be able to get an additional officer but it will be designated for this program full time? Or on patrol?

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Lt. Dean Hardin stated that officer is coming out of the gang unit. However his fundamental duties are going to shift to the educational component in the RUSD.

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Mayor Pro Tem Baca Jr. stated that this is a good partnership with the school district. They are one community and they have to continue to raise these kids in this community.

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Council Member Scott stated that he is excited happy to see that the Police Department is going to reach out to the kids in the 4th-8th grades. Many times by the time a child gets past 8th grade his bad habits are already started. He appreciates the fact that Lt. Hardin made the effort to brief him on the program. It's a great concept.

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Council Member Palmer stated that the Leaven came in 3 years ago and that was the first group in Rialto under the CDBG grants that targeted grade school children. It's a great program in conjunction with the Leaven its good things for grade school kids.

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Council Member O'Connell stated that he appreciates Lt. Hardin approaching them and discussing it. How does this affect the PRIDE Platoon? Which has an impact on kids. This is a great program and Lt. Hardin pointed out that they will do more outreach. It hits a group younger than PRIDE.

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TAB 5 - CalGRIP Program Grant

Mayor Robertson thanked Lt. Hardin for the effort in crafting the vision after winning the Grant. Also, the partnerships with the community-based organizations and the faith-based organizations to utilize the tools and resources they already have in the community. Will they still have training provided?

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Lt. Hardin stated that he was able to arrange by contacting the Great Western Region, they are going to come out here March 30th – April 9th and they will train 18 officers and one security officer. It's only for sworn personnel who can obtain the training. He was able to get one security officer that works for the school district. They will send a flyer out to all the surrounding agencies to see if they want to send their officers to participate in the training.

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Mayor Robertson stated that it's an asset to them because there is no cost to participate. She applauded Chief to be able to win this grant for Rialto and the only one in the County.

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Motion by Mayor Pro Tem Baca Jr., second by Council Member Scott and carried by unanimous vote to Acceptance of the Board of State and Community Corrections, California Gang Reduction, Intervention and Prevention (CalGRIP) Program Grant Award, Adoption of Resolution No. 6690 to Appropriate Funding in the Amount of \$1,404,000, Amend the FY14/15 Authorized Position List by Increasing the Number of Sworn Personnel by One Position and the Issuance of Purchase Orders for Needed Services for the Program.

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TAB 6 – Two Additional School Resource Officers

Lt. Bill Wilson presented the staff report regarding two Additional School Resource Officers.

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Council Member Scott stated that he is glad to see they are adding two additional officers. He has had a number of people in the community that work in the school district who have had concerns about the Police Department's lack involvement in the schools anymore.

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Mayor Pro Tem Baca Jr. stated that he too is in support of this partnership with the school district and have presence on campus. He doesn't know if at some point in time maybe one of the two officers can at least stop at Milor Continuation High School because that is another school in the city. Some of those kids are at risk.

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TAB 6 – Two Additional School Resource Officers

Council Member O’Connell stated that he just noticed in the staff report it says to authorize the Mayor to execute each annual CalGRIP program grant agreement and any amendment she may deem advisable.

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Lt. Bill Wilson stated it states without materially altering the financial obligations contained therein.

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Motion by Council Member O’Connell, second by Mayor Pro Tem Baca Jr. and carried by unanimous vote to Approve the Agreement Between the Rialto Unified School District and the City of Rialto in the Amount of \$ 178,669 for Two Additional School Resource Officers and Adopt Resolution No. 6693 to Amend the FY14/15 Budget to Appropriate a net of \$30,805 in the General Fund.

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TAB 7 – Official Police Tow Truck Services

Sgt. Robert Smith presented the staff report regarding a proposed Ordinance for Official Police Tow Truck Services.

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ORAL COMMUNICATIONS

Manny Acosta, Pepe’s Towing-2775 N. Locust Ave., expressed that his business is pleased to provide towing services in the City. Light duty vehicles within the City is not a problem. Fire trucks and heavy duty vehicles are very sensitive. They will gladly engage in an account type of rate. But to ask that they do it for free and carry that heavy load of liability is too much. He would like the City to take that into consideration for the cost and liability.

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Mayor Pro Tem Baca Jr. stated that he appreciates from staff realizing that at this point it would be difficult and they don’t have adequate staff to have their own tow truck service. It makes sense to continue to allow for towers. He also concurred with Mr. Acosta for asking them to tow a large vehicle is an undue burden. It could be a big expense for a business. He doesn’t think it’s appropriate to ask for that extra service.

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Council Member Palmer stated that the Police Dept. has been working on this for years. Not as towing but more of vehicle impound storage facility. He thanked Mr. Acosta for coming to the podium. He agrees with Council Member Baca Jr. that the heavy vehicles is a liability. If they are doing it for free then they shouldn’t have to undertake that. Also the towing outside of the city limits he knows it’s a burden calling the tow company to do it for free. Maybe there can be a reduced rate for it. Within city limits is a good offer.

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TAB 7 – Official Police Tow Truck Services

Council Member O'Connell concurred with the comments made. He thanked Sgt. Smith and saw how diligent they put together all the packages. He appreciates that he shared the kudos with others. He did a great job.

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Mayor Robertson stated that she heard some suggestions to amend the action.

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City Attorney Galante stated that the suggested change would appear at Section 5.42.210 F where it explains that towed city vehicles shall be provided free of service. If the City Council is interested in revising that per the speaker's suggestion, perhaps it can be revised to say that each official tow service shall tow and provide services to all City light duty or passenger vehicles.

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Sgt. Smith stated or do an exclusion of heavy vehicles. He is not sure what the weight rating would be.

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Mayor Pro Tem Baca Jr. asked what would they outside for the Police Dept. or city vehicle?

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Police Chief Farrar stated that the armor vehicle would be a heavy duty vehicle. If they stick with the light or medium range vehicles will be covered and have the exclusion be any heavy vehicles or similar equipment which was stated by the speaker.

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Council Member Palmer asked if they can establish some sort of fee.

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Police Chief Farrar stated that is something they can work out in the contract. Tonight they are trying to clean up the general language in the Municipal Code.

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City Attorney Galante stated the language can read "each official tow service shall tow and provide services to all city vehicles other than heavy duty vehicles." Their other comment was whether it be in the city's jurisdiction. Perhaps within 2-3 miles of the city's limit so that anything within 3 miles of the city limits is free of charge.

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Mayor Pro Tem Baca Jr. stated that he somewhat agrees with that is because if they are in a pursuit and they get in an accident maybe a mile or 2 outside the city limits they are acting within the duty of the scope of the work. He doesn't have a problem with giving that.

TAB 7 – Official Police Tow Truck Services

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Council Member Palmer stated maybe they could ask Mr. Acosta, he was thinking a 10 mile range.

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Mr. Acosta asked is it the police vehicle or the arrestee vehicle or both?

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Council Member Palmer stated they are only talking about the City vehicle. Maybe they can work out the range.

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City Attorney Galante stated that since this is an Ordinance they need precise language is 5 miles within city limits reasonable?

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Mr. Acosta stated that 5 miles is reasonable.

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City Attorney Galante read the title of the Ordinance:

Ordinance No. 1558

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIALTO, CALIFORNIA, AMENDING CHAPTER 5.42 OF THE RIALTO MUNICIPAL CODE REGARDING OFFICIAL POLICE TOW TRUCK SERVICES.

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Motion by Mayor Pro Tem Baca Jr., second by Council Member Palmer and carried by unanimous vote to amend Provisions of Title 5, Chapter 5.42 "Official Police Tow Truck Services" of the Rialto Municipal Code. Introduce for First Reading Ordinance No. 1558, "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIALTO, CALIFORNIA, AMENDING CHAPTER 5.42 OF THE RIALTO MUNICIPAL CODE REGARDING OFFICIAL POLICE TOW TRUCK SERVICES." as amended in provision 5.42.210 (F) to exclude heavy duty vehicles from free tow service and limit the service to within 5 miles of the City limits. The vote was: AYES: Mayor Robertson, Mayor Pro Tem Baca Jr., Council Members Scott, Palmer and O'Connell. NOES: none. ABSENT: none. ABSTAIN: none.

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TAB 8 - Purchase and Sale Agreement with Fountainhead Shrugged LLC

Robb Steel, Development Services Director presented the staff report regarding a Purchase and Sale Agreement by and between the City of Rialto and Fountainhead Shrugged, LLC for a 44,899 square foot parcel of land.

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Mayor Pro Tem Baca Jr. asked if it's a drive-thru?

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TAB 8 - Purchase and Sale Agreement with Fountainhead Shrugged LLC

Robb Steel, Development Services Director stated that it's a drive-thru.

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Mayor Pro Tem Baca Jr. stated that it's busy with the current tenants they have. This another good opportunity for economic development in the City. People are starting to get excited. People are feeling good that they are giving them more choices. He is getting positive feedback about Chipotle and In-N-Out and Jersey Mikes. This is another step in the right direction. What is going to happen to the property east? He sees a lot of trucks parked there. Plans for that property next to the church?

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Robb Steel, Development Services Director stated that he did notice they were staging there. He is not sure what the long term plans are. The church offered that for sale at one point. He is not aware of any plans submitted for improvements.

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Mayor Pro Tem Baca Jr. stated maybe that could be additional parking. It's getting over there. And the property at Easton and Riverside. He knows people are interested in that property.

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Robb Steel, Development Services Director stated that parcel is a Successor Agency Parcel so they submitted a property management plan to the State for review. Once they approve the plan then they are authorized to dispose of it.

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Mayor Pro Tem Baca Jr. stated that would be good. Hopefully if they need help from the state legislators on that. He hopes they keep the standards up for the building and landscaping.

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Mayor Robertson stated that Mr. Steel stated that they have a conference call but in the economic development committee meeting, she asked that they begin to package a presentation to speak with legislators hopefully by next week as well. They will be moving into time where everyone's plans are being held up by DOF.

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Robb Steel, Development Services Director stated that John Dutrey will be taking that lead so they are working the dual track.

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Mayor Robertson stated that she would like to get a sense of what those meetings are and when they are going to go and brief the legislators.

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TAB 8 - Purchase and Sale Agreement with Fountainhead Shrugged LLC

David Phillips, 659 N. Teakwood Ave., stated that he loves the In-N-Out but the parking lot is turning into a disaster. He doesn't think another drive-thru is going to work. He knows they are going to approve it but people agree with him but are afraid to speak. That land should be additional parking.

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Mayor Robertson stated didn't Mr. Steel put in his presentation that they proposed additional parking?

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Robb Steel, Development Services Director stated this was the reason for downsizing, was to add additional parking spaces.

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Council Member Scott asked are not the businesses within the city parking standards?

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Robb Steel, Development Services Director stated that the site meets all the City parking standards. Those tend to be minimum standards. Sometimes retailers have more aggressive standards. So yes it meets all the city codes.

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Motion by Council Member Scott, second by Council Member Palmer and carried by unanimous vote to Adopt Resolution No. 6678 Approving a Purchase and Sale Agreement by and between the City of Rialto and Fountainhead Shrugged, LLC for a 44,899 square foot parcel of land (APN 0127-031 -15).

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TAB 9 - Amended and Restated I-210 Logistics Center LLC

Robb Steel, Development Services Director presented the staff report regarding the Amended and Restated Construction Agreement by and between the City of Rialto and I-210 Logistics Center, LLC.

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Mayor Pro Tem Baca Jr. left the dais at 9:06 p.m. and returned at 9:10 p.m.

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Council Member O'Connell stated under the Airport Escrow they are taking \$5,126,000 out of \$12 million?

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Robb Steel, Development Services Director stated that it was anticipated for the early infrastructure to support the development of the properties. They have \$375 million with 2 new developments to support that investment.

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**TAB 9 - Amended and Restated
I-210 Logistics Center LLC**

Motion by Council Member Palmer, second by Council Member Scott and carried by unanimous vote to (1) Adopt Resolution No. 6694 Approving an Amended and Restated Construction Agreement by and between the City of Rialto and I-210 Logistics Center, LLC; (2) Authorize Purchase by Developer of Specified Storm Drain Pipe in an amount not to Exceed \$2,600,000; and (3) Adopt Budget Resolution No. 6695 Revising and Increasing Appropriations for the Construction of Additional Public Improvements as defined (Project”).

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**TAB 10 - Weather -Based Irrigation
Control Program**

Robb Steel, Development Services Director presented the staff report regarding an Agreement with San Bernardino Valley Municipal Water District for a Weather-Based Irrigation Control Program.

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Council Member Palmer stated that he is glad to see this on their agenda. He and Board Member Ed Killgore had been working with Public Works to get this on the Agenda.

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Council Member Scott stated that what each property owner pays to San Bernardino Valley Municipal Water District on their property tax bill, they should install one on every house for free.

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Ed Killgore, elected Board Member of SA Bernardino Valley Municipal Water District, 444 W. Foothill Blvd. stated that they are happy to pay 50% of this program. Due to the drought this is a great program.

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Motion by Mayor Pro Tem Baca Jr., second by Council Member Palmer and carried by unanimous vote to Approve an Agreement with San Bernardino Valley Municipal Water District for a Weather -Based Irrigation Control Program in the Amount of \$56,539.40.

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**TAB 11 – Contract Change Orders
for Pacific Electric Inland Empire
Trail**

Robb Steel, Development Services Director presented the staff report regarding construction contract change orders up to \$200,000 for the Pacific Electric Inland Empire Trail.

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Council Member O’Connell left the dais at 9:24 p.m. and returned at 9:29 p.m.

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**TAB 11 – Contract Change Orders
for Pacific Electric Inland Empire
Trail**

Mayor Pro Tem Baca Jr. stated that he remembers sitting on EDC with Council Member Scott and approving the original design. He thanked him for that vision and they coming close to the end. People are getting excited about re-investing in the community. They are dealing with an unused area that was blighted. They will have bike trails which falls into the Healthy Rialto component.

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Council Member Scott stated that he is excited too to see this Trail open. He can't wait until he and the Mayor take a 2 mile walk.

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Mayor Robertson stated that she has a good bike that she can use and Council Member Scott can walk.

You can see the project forming. She can appreciate them having the vision and involvement. She is looking forward to it. She sees the list and reminding her of Fergusson park. She won't go through each now. Either they keep selecting the wrong firms or landscape architects who are not thinking about things that need to be incorporated when they think about paths. One or two items as unforeseen conditions but all these on the list, she is concerned. Especially one is finding a water line. This goes along with the responsibility of the consultant they select. They need to recognize and question some of these.

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Council Member Palmer stated that he agrees with the Mayor on some of these.

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Robb Steel, Development Services Director stated that he understands and he had the conversation with project staff.

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Motion by Council Member Palmer, second by Mayor Pro Tem Baca Jr. and carried by unanimous vote.

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**TAB 12 - Cedar Avenue Storm
Drain Improvement Project**

Robb Steel, Development Services Director presented the staff report for Cedar Avenue Storm Drain Improvement Project.

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Motion by Council Member Scott, second by Council Member Palmer and carried by unanimous vote to Award a Construction Contract to Downing Construction, Inc., a California corporation, in the amount of \$667,291 for the Cedar Avenue Storm Drain Improvement Project, City Project No.120801.

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**TAB 13 - Metrolink
Parking Lot Expansion Project**

Council Member Scott and Council Member Palmer recused themselves from the TAB Item. They left the dais at 9:37 pm.

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Robb Steel, Development Services Director presented the staff report regarding a construction contract for Metrolink Parking Lot Expansion.

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Mayor Robertson stated that this is funds that are Federal dollars and so it falls under DBE requirements or good faith efforts. They were able to demonstrate that they made a good faith effort as well as some slight confusion with listing the subcontractor. For her they are talking about a parking lot, basic labor construction. She has a problem that they couldn't find a DBE. This a diverse community and diverse region. She will be voting to not act on this tonight.

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Robb Steel, Development Services Director stated that there was report by Willdan to address that question. They did do some due diligence investigation into their good faith efforts. It appears they made an extensive effort to pull in the DBE's and for some reason they decided not to bid. The obligation was to show good faith effort.

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Mayor Robertson stated that this is the same thing that came up when they were working on the 210 freeway. She sees the write up but it's hard for her to understand they couldn't find in their community or surrounding areas people who are DBE's in this business.

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Council Member O'Connell stated that he understands what the Mayor is saying and should be a priority for them. Staff tries to make it a priority. He moves for improvement.

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Mayor Pro Tem Baca Jr. asked if they can reject bids and rebid the project?

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City Attorney Galante stated yes, that is an option. But there are timelines related to the development of this project. Obviously it would take some time but it's always within the City Council discretion.

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Robb Steel, Development Services Director stated they have a deadline to move forward with the funding.

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**TAB 13 - Metrolink
Parking Lot Expansion Project**

Mayor Robertson stated that she didn't see supporting documents with Willdan's report on how they determined they made a good faith effort. If the second bidder can make the goals and find a DBE then why can't the first apparent low bidder.

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Robb Steel, Development Services Director stated they will get what they have and bring it back and see if its adequate to address their concerns.

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Motion by Mayor Pro Tem Baca Jr., second by Council Member O'Connell and carried by a 3-0 vote to bring the item back at the next City Council Meeting with the information requested. Council Member Scott and Council Member Palmer abstained from voting.

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Council Member Scott and Council Member Palmer returned at 9:50 p.m.

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REPORTS

City Council gave their reports.

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ADJOURNMENT

Motion by Council Member Palmer, second by Mayor Pro Tem Baca Jr. and carried by unanimous vote to adjourn the City Council meeting at 10:03 p.m.

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